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1	EDMUND G. BROWN JR., Attorney General		
2	of the State of California ARTHUR TAGGART,		
3	Supervising Deputy Attorney General LESLIE A. BURGERMYER, State Bar No. 117576 Deputy Attorney General California Department of Justice 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone, (016) 327, 7868		
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6	Telephone: (916) 327-7868 Facsimile: (916) 324-5567		
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8	Attorneys for Complainant		
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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12	In the Matter of the Accusation Against:	Case No. 2008 -89	
13	BILLY WAYNE BLACKWELL a.k.a. BILLY BLACKWELL a.k.a. BILL	ACCUSATION	
14	BLACKWELL	ACCUSATION	
15	1922 Fernwood Drive Marysville, CA 95901		
16	Registered Nurse License No. 265329		
17	Respondent.		
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19	· Complainant alleges:		
20	<u>PARTIES</u>		
21	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation		
22	solely in her official capacity as the Executive Officer of the Board of Registered Nursing		
23	("Board"), Department of Consumer Affairs.		
24	2. On or about March 31, 1976, the Board issued Registered Nurse License		
25	Number 265329 to Billy Wayne Blackwell a.k.a. Billy Blackwell a.k.a. Bill Blackwell		
26	("Respondent"). The Registered Nurse License was in full force and effect at all times relevant		
27	to the charges brought herein and will expire on Ap	ril 30, 2008, unless renewed.	
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STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following: . . .

- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 6. Welfare and Institutions Code section 15630 states, in pertinent part:
- (a) Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.
- (b)(1) Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days as follows:

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(A) If the abuse has occurred in a long-term care facility, except a state mental health hospital or a state developmental center, the report shall be made to the local ombudsperson or the local law enforcement agency. . . .

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Conviction of a Crime)

8. Respondent's license is subject to discipline under Code section 2761(f), in that on November 3, 2006, in the case titled *People of the State of California v. Bill W. Blackwell*, Superior Court of California, County of Sutter, Case No. CR-M-060001174, Respondent was convicted on his plea of *nolo contendre* of violating Welfare and Institutions Code section 15630(b)(1) [failure of mandated reporter to report physical abuse)], a misdemeanor, which crime is substantially related to the qualifications, functions, and duties of a Registered Nurse. The circumstances of the crime are that from on or about and between June 22, 2005, to June 27, 2005, while licensed as a Registered Nurse and working as the Director of Nurses at Yuba City Care Center ("YCCC"), a skilled nursing facility, Respondent failed to report the known or suspected abuse of D.H., an elder or dependent adult who was a patient and resident of YCCC, to the proper agencies, pursuant to Welfare and Institutions Code section 15630(b)(1).

<u>PRAYER</u>

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

 Revoking or suspending Registered Nurse License Number 265329, issued to Billy Wayne Blackwell a.k.a. Billy Blackwell a.k.a. Bill Blackwell;

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2. Ordering Billy Wayne Blackwell a.k.a. Billy Blackwell a.k.a. Bill Blackwell to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: <u>9/14/07</u>

NUTH ANN TERRY, M.P.H., R.N.

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant